

Town of Cummington  
33 Main Street  
P.O. Box 128  
Cummington, MA 01026  
tel (413) 634-5354 • fax (413) 634-5568

## Special Permit Decision/Record

The members of the Cummington Zoning Board of Appeals hereby certify that the following is a record of all the board's proceedings pertaining to the application of Jasa Farms, LLC for a special permit for a recreational cannabis cultivation facility, to be located on Bryant Road, Assessor's map 15, lot 4.1 (north side of Bryant Rd. between Potash Hill Rd. and Grout Rd.); and, for specific relief from multiple sections of the bylaw in order to do so.

The application to the board was received by the Town Clerk on 03/11/21. The application is attached as Exhibit 1, and made part of this record.

A notice of public hearing on this special permit, a true copy of which is attached as Exhibit 2, and made part of this record, was:

1. published in the Country Journal, a newspaper of general circulation in Cummington, on April 8 & 15, 2021, Exhibits 3 & 4 respectively, and;
2. posted on the bulletin boards of the Community House, Post Office, The Old Creamery Grocery, and the town's website more than 14 days before the hearing on May 12, 2021 and;
3. mailed on or before April 14, 2021, postage prepaid, to the applicant, abutters to the property in question, owners of land directly opposite from the property in question on any private or public way, and abutters to abutters whose property is located within 300 feet of the property line of the property in question. The notice was mailed to the names of persons, and to the addresses as provided by the most recent tax list kept by the Board of Assessors in Cummington, with the Assessors certifying such names and addresses, and 3. attached as Exhibit 5, and made part of this record, and;
4. mailed to the Planning Boards of Ashfield, Chesterfield, Goshen, Plainfield, Peru, Windsor, and Worthington.

The public hearing of this special permit application was held on May 12, 2021 at the Community House at 7:00 PM, at which time opportunity was given to all those interested to be heard in favor of, or opposition to, issuance of said special permit. The following members of the board were present: Carla Ness, Chair; Kenneth Howes, Ernest Strong, Mark Bevan, Eric Smith, Members; and, Michael Holden, Alternate Member and Clerk.

A true copy of the minutes of the hearing is attached as Exhibit 6, and made part of this record.

After the public hearing was closed and deliberations commenced, the following motion was made:

**"Given the following considerations;**

**1. that Chris Vianello, representing Jasa Farms communicated by email on June 17, 2021 that Jasa Farms had made the decision to no longer pursue the project in Cummington (and no one representing Jasa Farms was present at the continuance of the hearing), and;**

**2. that the project as proposed did not conform to the zoning bylaw in the following ways:**

**a. Sec. 10-50.3.a.6 caps the canopy at 20,000 sq. ft.; 100,000 sq. ft. was proposed, and;**

**b. Sec. 10-50.3.b.1 requires all marijuana establishments to be in an enclosed building; outdoor cultivation was proposed, and;**

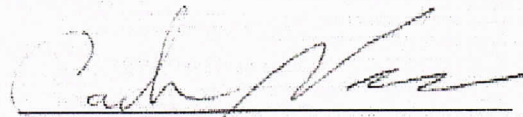
**c. Sec. 10-50.3.b.4.b requires abatement of odors, which would not be possible with outdoor cultivation, and;**

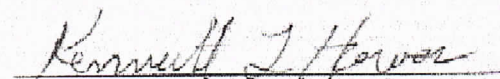
**d. Sec. 7-30.3 requires that access to a lot must be via its frontage on a public way; the access as proposed was via an adjacent lot.**

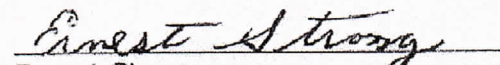
**For these reasons I move that the request for a special permit by Jasa Farms for a recreational cannabis cultivation facility on Bryant Road be denied." - Holden, seconded - Strong**


The motion was approved by a unanimous vote of the five voting members: Ness, Howes, Strong, Smith, and Holden.

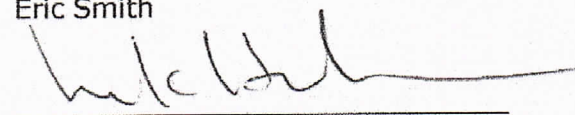
Zoning Board of Appeals

  
Carla Ness

  
Kenneth Howes

  
Ernest Strong

  
Eric Smith

  
Michael Holden



## **Town of Cummington**

33 Main Street

P.O. Box 128

Cummington, MA 01026

(413) 634-5354 • Fax (413) 634-5568

**Application Packet Attached**





## Town of Cummington

33 Main Street

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### Zoning Board of Appeals Public Hearing Notice

In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on **Wednesday, May 12, 2021**, starting at **7:00 PM**, to consider the application of Jasa Farms LLC for special permit for a marijuana establishment. Specifically: 1. Seeking relief from Section 10-50.3.a.6. of the zoning bylaw which requires "Marijuana Cultivators shall be capped at Cultivation Tier 3 per lot/site, 10,001-20,000 square foot canopy... in the Town of Cummington.", to allow a cultivation site of 90,000-100,000 square feet, Tier 11; 2. Seeking relief from Section 10-50.3.b.1. "All aspects of the (sic) any marijuana establishment... relative to... cultivation... must take place at a fixed location within a fully enclosed building..." to allow outdoor cultivation; 3. Seeking relief from Section 10-50.3.b.4.b. "No odor from marijuana... can be detected by a person with unimpaired and otherwise normal sense of smell... at any adjoining use or property." to allow outdoor cultivation; 4. and other relief. The complete application is available on the town's website ([www.cummington-ma.gov](http://www.cummington-ma.gov)). The property is located on Bryant Road, Assessor's map 15, lot 4.1 (North side of Bryant Rd. between Potash Hill Rd. and Grout Rd.)

Any person interested or wishing to be heard on these matters should appear at the above-designated time and place. Virtual attendance is also available, there is a link on the town's website.

It is possible that appropriate distancing and/or masks may still be required of all in-person attendees.

Michael Holden, Clerk  
Cummington Zoning Board of Appeals



provides a clean certificate and must be pre-paid.

www.publicnoticesumley.com

# PUBLIC NOTICES

## NOTICE OF PUBLIC HEARING TOWN OF WORTHINGTON PLANNING BOARD

The Worthington Planning Board will hold a public hearing for a Citizen Petition to amend the Zoning By-Law frontage requirements from 400 ft to 280 ft, to be presented at Annual Town Meeting. Preparation of report from the Planning Board to accompany warrant.

The Hearing will be held Friday, April 23, 2021 at 5:00 PM. Remote public access will be provided utilizing GoToMeeting virtual software: <https://global.gotomeeting.com/join/700268037>. To attend via phone dial 646-749-3112; access code: 700-268-037.

A link to the meeting and the text of the Citizen Petition's warrant article for Annual Town Meeting can be found on the Town website's community calendar - by clicking on the date of the meeting.

## Cummington ZBA Hearing Public Notice

In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on Wednesday, May 12, 2021, starting at 7:00 PM, to consider the application of Jasa Farms LLC for special permit for a marijuana establishment. Specifically:

1. Seeking relief from Section 10-50.3.a.6. of the zoning bylaw which requires "Marijuana Cultivators shall be capped at Cultivation Tier 3 per lot/site, 10,001-20,000 square foot canopy... in the Town of Cummington."

described herein, now invites bids for the following sub-contract work to be performed at the R. H. Conwell Elementary School, located at 160 Huntingdon Rd., Worthington, MA:

1. Fire Protection work
2. Removal of sprinklers in areas of work (1971 wing).
3. Replumb new sprinkler feeds and heads in area of work and 2 identified locations of corrosion repair.
3. Installation of N2 generator

For a detailed description see project specifications Division 21 - FIRE SUPPRESSION and project drawings FP-1, FP-2, FP-3, & FP-4 which are available on-line as described below.

**This project is being Electronically Bid (E-Bid).** All bids shall be submitted online at [www.Projectdog.com](http://www.Projectdog.com). Hard copy bids will not be accepted. The Awarding Authority, Tutorials and Instructions are available online at [www.Projectdog.com](http://www.Projectdog.com). For assistance, contact Projectdog Inc. at 978.499.9014.

Bid Documents and Bid Forms are currently available online at [www.Projectdog.com](http://www.Projectdog.com). Log in and enter the Project Code 841790 in the search box and select "Acquire Documents" for a free, downloadable bid set. Hard copies of the documents may be purchased online by credit card. A free CD-ROM may be requested by contacting Projectdog - shipping & handling charges apply. Neither Owner nor Architect/Engineer shall be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than Projectdog Inc.

Bidders may obtain one (1) full paper bid set for a refundable deposit of Fifty dollars

sub-bid must be accompanied by a bid security consisting of a BID BOND, CASH, or CERTIFIED CHECK issued by a responsible bank or trust company in the amount of 5% of the bid price. Detailed instructions for the furnishing of bid security are available ON-LINE (see also Instructions to Bidders) at [www.Projectdog.com](http://www.Projectdog.com).

A Site Visit will be held at R. H. Conwell Elementary School, 147 Huntingdon Rd., Worthington, MA on Thursday, April 15, 2021 at 1:30 p.m.

A performance bond in an amount equal to 100 percent of the total amount of the contract price with a surety company qualified to do business in the Commonwealth of Massachusetts will be required for the faithful performance of the contract as well as a labor and materials bond in an amount equal to 100 percent of the total contract price.

All bids for this project are subject to applicable public bidding laws of Massachusetts, G.L. c. 149, § 24A through 44H, as amended.

Attention is directed to the minimum wage rates to be paid as determined by the Commissioner of Labor and Workforce Development and the weekly payroll record submitted requirements under the provisions of Massachusetts General Laws, Chapter 149, Section 26 through 27D inclusive.

Attention is further directed to the requirements of G.L. c. 149, § 24D requiring submission of a Division of Capital Asset Management approved Certificate of Eligibility and Update Statement with all bids. Selection of the contractor will be based upon bidder qualifications, including evidence of past performance in similar projects, and bid price. The contract will be awarded to the bidder deemed by the awarding authority to be the lowest responsible and eligible bidder against whom the general contractor makes no objection.

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Sub-bidders acknowledge that all applicable provisions of the bid documents, and contract documents including all general conditions, supplemental of supplementary conditions, specifications, drawings, attachments, addenda, and sub-bid contract that are contained in the original bid package shall, unless expressly amended here in or in any subsequent addenda, govern the obligations of the successful sub-bidder hereunder.

The bidder agrees that its bid shall be good and may not be withdrawn for a period of 30 days, Saturdays, Sundays and legal holidays excluded, after the opening of the sub-bids.

All bidders and sub-bidders are advised that FUNDING OF THIS PROJECT IS SUBJECT TO APPROPRIATION by the Town of Worthington of the full amount required to fund the bids awarded pursuant to this invitation and the prior invitation to general bidders at its Annual Town Meeting, scheduled to occur under town by-law on May 1, 2021.

The Town reserves the right to waive any informalities, to accept or reject, in whole or in part any or all bids, or take whatever other action may be deemed to be in the best interest of the Town.

04/08/2021

The Town of Worthington, Massachusetts  
By Charley Rose, Chair  
Stephen T. Smith, member  
Amy L. Wang, member  
Its Selectboard

**DUE TO PROJECTDOG ON-LINE SYSTEM LIMITATIONS, SUB-BIDS CANNOT BE FILED AND ACCEPTED UNTIL THURSDAY, APRIL 15, 2021, AT 8:00 A.M.**  
Sub-bids will be opened ON-LINE on Wednesday, April 21, 2021, at 2:00 p.m. Each



# PUBLIC NOTICES

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04/08, 04/15/2021

## TOWN OF HUNTINGTON PUBLIC SHADE TREE HEARING

Set forth by

M.G.L. Chapter 87, Section 3 Public Shade Tree Hearing **Wednesday, May 5, 2021 at 6:00 p.m.** on the Town Common, 24 Russell Road, Huntington, MA and via Webex (Call: 1-415-655-0001, enter access code: 132 873 8701#, enter password: #)

Regarding removal of thirty-six trees marked with a purple dot on their base on Goss Hill Road between the intersection of Nagler Cross Road and #70 Goss Hill Road for the purpose of road construction.

Walter Whitshirk  
Tree Warden  
04/15, 04/22/2021

## FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN TOWN OF HUNTINGTON HAMPSHIRE COUNTY, MASSACHUSETTS TOWN HALL RAMP IMPROVEMENT PROJECT APRIL 15, 2021

To: All Interested Agencies,  
Groups and Individuals

This is to give notice that the Town of Huntington under CFR Part 58 has conducted an evaluation as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and/or wetland will have on the human environment for the Town Hall Ramp Improvement Project (hereinafter, the "proposed activity") under the Massachusetts Community Development Block Grant Program. The proposed activity is located at 24 Russell Road in Town of Huntington, Hampshire County, Massachusetts. The

proposed activity is intended to provide barrier free access to the Town Hall's entrance by means of a new fully ADA compliant ramp. The ramp will be installed between the Town Hall and Stanton Hall buildings. The proposed activity will result in temporary impacts to 0.025 acres of 100-Year Floodplain. Site work related to the construction of the ramp will include minor excavation, filling and grading.

The Town of Huntington has considered the following alternatives and mitigation measures to be taken to minimize the adverse impacts and to restore and preserve natural and beneficial values: the project must take place within the floodplain because the ramp is directly connected to the physical location of the Town Hall building. The only alternative that could be considered would be the "No Action Alternative". Under the No Action Alternative, the town would be left with a deteriorated, potentially dangerous, non-ADA compliant ramp entrance to the Town Hall. The town would not be able to achieve any of the benefits to be provided by the proposed ramp improvement project. The town will comply with local and state floodplain permitting and protection procedure requirements will be followed.

The Town of Huntington has reevaluated the alternatives to building in the floodplain and has determined that

can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Town of Huntington at the Huntington Town Hall, 24 Russell Road, PO Box 430, Huntington, MA 01050 on or before April 25, 2021. Please contact Edward Renaud, Huntington Environmental Certifying Officer, during the hours of 9:00 AM to 2:00 PM, Phone: 413-512-5200. Comments may also be submitted via email at [admin@huntington-ma.us](mailto:admin@huntington-ma.us).

04/15/2021

## Cummington ZBA Hearing Public Notice

In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on **Wednesday, May 12, 2021, starting at 7:00 PM**, to consider the application of Jase Farms LLC for special permit for a marijuana establishment. Specifically:

1. Seeking relief from Section 10-50.3.a.6. of the zoning bylaw which requires "Marijuana Cultivators shall be capped at Cultivation Tier

3 per lot/site, 10,001-20,000 square foot canopy... in the Town of Cummington," to allow a cultivation site of 90,000-100,000 square feet, Tier 11.

2. Seeking relief from Section 10-50.3.b.1. "All aspects of the (sic) any marijuana establishment... relative to... cultivation... must take place at a fixed location within a fully enclosed building..." to allow outdoor cultivation.

3. Seeking relief from Section 10-50.3.b.4.b. "No odor from marijuana... can be detected by a person with unimpaired and otherwise normal sense of smell... at any adjoining use or property..." to allow outdoor cultivation.

4. and other relief. The complete application is available on the town's website ([www.cummington-ma.gov](http://www.cummington-ma.gov)). The property is located on Bryant Road, Assessor's map 15, lot 4-1 (North side of Bryant Rd. between Polash Hill Rd. and Grout Rd.)

Any person interested or wishing to be heard on these matters should appear at the above-designated time and place. Virtual attendance is also available, there is a link on the town's website.

It is possible that appropriate distancing and/or masks may still be required of all in-person attendees.

Michael Holden, Clerk  
Cummington  
Zoning Board of Appeals  
04/08, 04/15/2021





**TOWN OF CUMMINGTON**

[www.cummington-ma.gov](http://www.cummington-ma.gov)

**Board of Assessors**

33 Main St, PO Box 74

Cummington, MA 01026

413-200-5010

[boa@cummington-ma.gov](mailto:boa@cummington-ma.gov)

October 20, 2020

**List of abutters for 0 Bryant Rd, 015.0-0004-0000.1 - 300' buffer distance.**

015.0-0004-0000.0 0 Bryant Rd	Lorena M Thayer 160 Bryant Rd, Cummington, MA 01026
015.0-0005-0000.0 525 Berkshire Trail	Thomas & Lisa Kane PO Box 3, Cummington, MA 01026
015.0-0015-0000.0 0 Bryant Rd	Alison M Mason & Francis C Mason 589 Old North Rd, Worthington, MA 01098
022.0-0016-0000.0 0 Potash Hill Rd	Valley Land Fund Incorporated PO Box 522, Hadley, MA 01035
022.0-0023-0000.0 0 Potash Hill Ext	Lorena M Thayer 160 Bryant Rd, Cummington, MA 01026

Sincerely,

Joy Johns  
Assessor Chair/Clerk





## Town of Cummington

33 Main Street

P.O. Box 128

Cummington, MA 01026

(413) 634-5354 • Fax (413) 634-5568

### Zoning Board of Appeals

#### Exhibit 6 - Minutes of Jasa Farms, LLC hearing on May 12, 2021

The hearing was called to order at 7:03pm by Zoning Board of Appeals (ZBA) Chair, Carla Ness.

Additional ZBA members in attendance were Kenneth Howes, Ernest Strong, Mark Bevan, Eric Smith, Members; and, Michael Holden, Alternate Member and Clerk.

The chair read the meeting notice that ran in the Country Journal on 04/08/21 and 04/15/21 as follows:

"In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on **Wednesday, May 12, 2021**, starting at **7:00 PM**, to consider the application of Jasa Farms LLC for special permit for a marijuana establishment. Specifically: 1. Seeking relief from Section 10-50.3.a.6. of the zoning bylaw which requires "Marijuana Cultivators shall be capped at Cultivation Tier 3 per lot/site, 10,001-20,000 square foot canopy... in the Town of Cummington.", to allow a cultivation site of 90,000-100,000 square feet, Tier 11; 2. Seeking relief from Section 10-50.3.b.1. "All aspects of the (sic) any marijuana establishment... relative to... cultivation... must take place at a fixed location within a fully enclosed building..." to allow outdoor cultivation; 3. Seeking relief from Section 10-50.3.b.4.b. "No odor from marijuana... can be detected by a person with unimpaired and otherwise normal sense of smell... at any adjoining use or property." to allow outdoor cultivation; 4. and other relief. The complete application is available on the town's website ([www.cummington-ma.gov](http://www.cummington-ma.gov)). The property is located on Bryant Road, Assessor's map 15, lot 4.1 (North side of Bryant Rd. between Potash Hill Rd. and Grout Rd.)

Any person interested or wishing to be heard on these matters should appear at the above-designated time and place. Virtual attendance is also available, there is a link on the town's website.

It is possible that appropriate distancing and/or masks may still be required of all in-person attendees."



Also in attendance were, Dan Glissman, Attorney, representing Jasa Farms and making the presentation; Kyle Thayer, Trustee of the subject parcel; and other officers and owners of Jasa Farms, LLC: Rich Rainone, Pete Kasabian, Chris Morgan, and Chris Vianello. About 40 members of the general public were present, and an additional 9 attended by "virtual" means.

Glissman made a very thorough and professional presentation, complete with large format drawings and photos on easels for all to see. After about 30 minutes the public began voicing their concerns.

So much of the proposal was dependent on being granted "waivers" from the requirements of the existing bylaw. As Attorney Tom Lessor (representing Lisa and Tom Kane, abutters) pointed out, there is no provision for granting waivers in Section 10-50 (the Adult Use Marijuana section) of the bylaw.

Another concern was that because these requests for waivers deviated so far from the plain language of the bylaw, if granted, how would the town ever be able to deny another applicant of a similar or perhaps even larger sized project?

Questions over odor, safety, pesticides and chemicals, and the unsightliness of chainlink fencing and security lighting were asked. The applicant reassured that no pesticides would be used, and lighting would be kept low.

It was not all one sided. Many spoke in support, either for the potential of additional tax revenue, or simply to support farmers who want to use their land in a new way. A reminder was made that under state law, marijuana cultivation is not considered an agricultural use for the purposes of zoning. Although the majority of town is zoned Residential/Agricultural, marijuana cultivation does not qualify as a "by right" use, hence the special permit process.

The Board too, expressed skepticism that such a large project would be "consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw". (Sec. 10-50.5)

Carla also read a letter from Lee Fournier-Lewis who was a member of the planning board during the drafting, revising, and passage of the marijuana use bylaws. She spoke of the clear intent to disallow outdoor cultivation. (copy attached)

Discussion, and questions and answers continued for nearly two hours, everyone had an opportunity to speak their opinion. Bevan made a motion, "I move to deny the application from Jasa Farms on the basis that the bylaw does not allow outdoor cultivation." Before the motion was seconded it was suggested to the applicant that perhaps they might want to ask for a continuance and make modifications to their proposal. Glissman accepted the offer. The motion to deny failed, for lack of a second, and a new motion was made to continue the hearing until June 23, 2021, seconded, and voted unanimously by the five voting members Ness, Howes, Strong, Bevan, and Smith.

Just before 9:00pm the hearing was adjourned until 7:00pm on June 23, 2021 at the Community House.

### Continuance on June 23, 2021

Carla Ness reopened the hearing at 7:00pm, other board members present were Kenneth Howes, Ernest Strong, Eric Smith, and Michael Holden. Other attendees were Lisa and Tom Kane, Geoff Kenseth, Kip Sears, Scott Keith, and 3-4 others. No one representing Jasa Farms was present.

Carla read, in its entirety, an email that she received on June 17, 2021 from Chris Vianello of Jasa Farms. "Jasa Farms has made the decision not to move

forward with the project in Cummington. Thank you for the opportunity and consideration. If anyone has any questions or if there is anything further, please let us know."

Board members were surprised that the email did not request a withdrawal. Having the open application before us, that then left the ZBA with only two choices, approve or deny.

"Given the following considerations;

1. that Chris Vianello, representing Jasa Farms communicated by email on June 17, 2021 that Jasa Farms had made the decision to no longer pursue the project in Cummington (and no one representing Jasa Farms was present at the continuance of the hearing), and;

2. that the project as proposed did not conform to the zoning bylaw in the following ways:

a. Sec. 10-50.3.a.6 caps the canopy at 20,000 sq. ft.; 100,000 sq. ft. was proposed, and;

b. Sec. 10-50.3.b.1 requires all marijuana establishments to be in an enclosed building; outdoor cultivation was proposed, and;

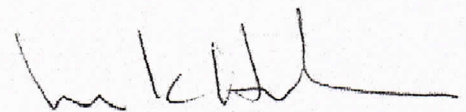
c. Sec. 10-50.3.b.4.b requires abatement of odors, which would not be possible with outdoor cultivation, and;

d. Sec. 7-30.3 requires that access to a lot must be via its frontage on a public way; the access as proposed was via an adjacent lot.

For these reasons I move that the request for a special permit by Jasa Farms for a recreational cannabis cultivation facility on Bryant Road be denied." - Holden, seconded - Strong

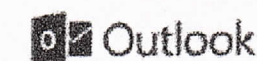
Motion was approved by a unanimous vote of the five voting members: Ness, Howes, Strong, Smith, and Holden

Hearing closed at 7:05pm.



Michael Holden, Clerk





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Drafts

Inbox (12)

Junk Email (4)

Sent Items

Click to view all folders

Manage Folders...

Reply

Reply All

Forward



Link



Close

**Fwd: Jasa Farms- Bylaw Information**

Carla Ness [carla@delaprealestate.com]

Sent: Tuesday, May 11, 2021 8:20 PM

To: Eric Smith (Guest); Mark Bevan; Michael Holden; Kenneth Howes

Cc: Carla Ness

This came to my work email vs my town email address. I thought I should forward to all of you.

----- Forwarded message -----

From: Lee Fournier-Lewis &lt;lee.fournier.lewis@gmail.com&gt;

Date: Tue, May 11, 2021 at 8:09 PM

Subject: Jasa Farms- Bylaw Information

To: Carla Ness &lt;carla@delaprealestate.com&gt;, &lt;cness@cummington-ma.gov&gt;

Cc: Katy Eiseman &lt;katyeiseman@gmail.com&gt;, &lt;keiseman@cummington-ma.gov&gt;

Hello Carla,

I'm ccing Katy so she has the information as well.

I will not be able to be at tomorrow's ZBA hearing for Jasa Farms, but I wanted to reach out to let you both know my perspective as a Planning Board member who actively participated in drafting, revising, and passing the town's adult use marijuana bylaws. In the Community Outreach Meeting, a member of the Jasa Farms team commented that perhaps as a town we didn't realize that outdoor marijuana cultivation was possible, and that he felt a variance would be easy to obtain given the Selectboard's support of their Community Host Agreement. I want to provide information from my point of view that this is definitely untrue about the board's awareness. The Planning Board did consider outdoor cultivation when drafting the bylaws, especially since other hilltowns do allow for outdoor cultivation. Ultimately, we decided to not allow outdoor cultivation (10-50 J.b.f): All aspects of the any marijuana establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure ) and required that all marijuana cultivation be indoor only. This was due to safety, security, odor, lighting etc. alongside our desire for abutters to have their freedoms as landowners, business owners, and home owners to live and operate free from these concerns with outdoor marijuana cultivation. As I am sure you both remember, the public hearing to pass the Marijuana Bylaws was a lively one! There was much debate at the Informational Meeting, and at the Public Hearing a change was made to the bylaw before voting (to nix the overlay and allow marijuana business in the entirety of the rural residential district). Outdoor cultivation was not a topic of conversation or debate, and the town appeared to be in full support of indoor cultivation, from my memory. Additionally, the tier size was debated, and the decision to cap cultivators at Tier 3 was, as the voting proved, a viable compromise from a wide range of opinions.

I am sorry to not be able to attend tomorrow's meeting. I hope this information is helpful. From a personal perspective, I hope the Planning Board's hard work writing, revising, and passing these bylaws and that the voices of our neighbors who showed up, debated, listened to each other, and made compromises to vote on a bylaw we could all support will be honored and upheld at the hearing tomorrow. I have incredible respect for the work you do!

Many Thanks,  
Lee Fournier-Lewis

—  
Lee Fournier-Lewis  
Home/Farm: 413-634-5452

—  
Carla Ness, Broker  
Lic # 9514010/b,  
Delap Real Estate, LLC  
Lic # 7554

Cell phone :413 695-6569

Please like our facebook page <https://www.facebook.com/delaprealestate>

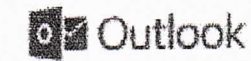
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**Fraud Alert:** I will NOT ask you to WIRE any funds. If you receive an email from me or your attorney or your bank asking you to wire funds, please call that person on a number you have previously used to confirm! These hackers are getting very sophisticated, please be extremely cautious!



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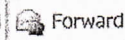
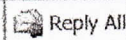
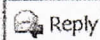
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**JASA Farms Special Permit Application**

Jasa Farms [jasafarmsllc@gmail.com]

Sent: Thursday, June 17, 2021 1:48 PM

To: Carla Ness

Cc: Michael Holden; Kenneth Howes; Mark Bevan; Eric Smith (Guest); ZBA

Members of the board:

Jasa Farms has made the decision not to move forward with the project in Cummington. Thank you for the opportunity and consideration. If anyone has any questions or if there is anything further, please let us know.

Chris Vianello  
(954) 350-1600



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